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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,269	02/12/2004	Hubert Ringhoff	P24743	5503

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT PAPER NUMBER

1733

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/776,269

Applicant(s)

RINGHOFF ET AL.

Examiner

Geoffrey L. Knable

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 35-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5-18-04</u> . | 6) <input type="checkbox"/> Other: _____  |

1. Applicant's election with traverse of group I, claims 1-34 in the reply filed on April 24, 2006 is acknowledged. The traversal is on the ground(s) that there is no serious burden to examine both groupings because of very substantial search overlap. This is not found persuasive because while there may be some overlap in the areas of search, the potentially different methods that could be practiced by the claimed apparatus causes a significant additional search and examination burden to also search/examine the claimed specific method. Rejoinder will however be considered if appropriate upon indication of allowable subject matter for claims that include all the limitations of an allowable claim.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, it is not considered that defining the angle range as being one "which allows an operator to efficiently control application processes..." provides sufficient bounds on the scope of protection afforded by this claim. In other words, as there is no clear indication that the artisan would know what is and is not efficient control of the application processes, it is not considered that which angles do and do not fall within the scope of this claim can be readily ascertained.

In claim 9, it is not considered that the scope of "generally comprises..." can be readily ascertained, this rendering the scope of this claim indefinite.

In claim 11, reference is made to the angle being less than 180 degrees while in claim 12, it is defined that the axes intersect. As it is assumed that the intent is that these claims further limit the claim 1 requirements, whereas it would seem that claim 1 already implicitly defines or requires an angle of less than 180 degrees and intersecting axes, the scope of these claims, as well as the scope of claim 1 with respect to this angle, is considered to be indefinite. In particular, note that claim 1 defines that the two axes are "at an angle" and that the second axis is "arranged between the carcass building drum device and the shaping drum device" - since it is the carcass building and shaping drums that define the first axis, it seems that requiring that the second axis is arranged therebetween would necessarily require that the second axis cross/intersect the first axis (and thus would require an angle of less than 180 degrees). The presence of claims 11/12 however casts doubt on this conclusion. Clarification is therefore required of the scope of this angle in both claim 1 and claims 11/12. Is claim 1 for example at present intended to be inclusive of *co-extensive parallel axes*, the second axis between the two drums but essentially on the same axis? An analogous ambiguity is presented by claims 31-32, it being noted that claim 31 even defines in the last lines that the belt drum is adapted to move *across* the first line, this seemingly indicating that the second line would be at an angle of less than 180 degrees (or, alternatively, what constitutes the second building line is not clear). Insofar as claim 34 uses similar language to define the angle, this claim is likewise considered indefinite for the same reasons set forth with respect to claim 31.

Claim 23 seems to define an apparatus capability that is already present in claim 21 from which this claim depends - clarification is required of how this claim further limits claim 21.

In claim 33, it is not clear that the scope of "generally oriented" can be readily ascertained.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 1-12, 14-16, 18, 21-23 and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishii et al. (US 5,156,713).

Ishii et al. discloses a tire building apparatus/arrangement including a carcass building drum (221 in fig. 14), shaping drum (231) and movable core centering/carcass carrying device (225) arranged along an axis (K) as well as a belt building drum (220) arranged along an axis (L) perpendicular to the axis (K) and arranged between the drums 221 and 231. Further, assembly/supply devices (222, 223, 234) are provided, the belt drum is movable across the line (K) to a transfer position and worker access to both lines is clearly provided (note also the apparent operators depicted in fig. 14 between drums 220 and 221 as well as col. 16, lines 21-25). This apparatus is therefore considered to clearly anticipate the noted claims.

7. Claims 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. (US 5,156,713).

As to claim 17, Ishii et al. suggests a servicer (222) at the belt/tread assembly drum but does not provide details thereof and thus does not specifically suggest an automatic tread rubber loading device as claimed. It however is taken that automated tread servicers are well known per se in this art, it being considered to have been obvious to utilize an automated servicer for only the expected results that would be expected to accompany automating any supply including tread supply.

As to claims 19 and 20, Ishii et al. clearly appreciates the presence of operators adjacent the various building locations, it being considered that the ordinary artisan would have understood and found it obvious to include various safety/shutdown devices

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to help avoid operator injury when in proximity to a dangerous operating situation - such being considered well known in general in dangerous industrial lines.

8. Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. (US 5,156,713) as applied above, and further in view of at least one of [Riggs (US 4,304,619) and Alexander (US 4,204,903)].

Ishii et al. does not detail the tire removal arrangement. It however is well known in this art to use the belt/tread transfer ring to also remove the green tire from the shaping drum as well as to include a green tire removal device that cooperates with this transfer means and can swivel as well as move in various directions relative to the building line - note Riggs and Alexander. To include a green tire removal device that cooperates with the belt/tread transfer ring as claimed would therefore have been obvious, the particular directions of motion thereof being readily selected by the artisan through routine optimization to achieve effective tire removal, none but the expected results following any particular selection.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Caretta et al. (4,529,461) and JP 59-70548 to Irie (esp. figs. 3 and 4) are other examples of tire building arrangements with a belt building line at an angle to the main tire building line but are at present no more relevant than the applied art.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Geoffrey L. Knable  
Primary Examiner  
Art Unit 1733

G. Knable  
July 3, 2006